

## REMARKS

Reconsideration of the present application is respectfully requested.

### Claim 21

Claim 21 stands rejected as anticipated by either of Shapland et al. and Reif. However, neither of those patents discloses a tissue dispensing orifice which faces downwardly, as recited in faces claim 21. In Shapland et al, the dispensing orifice is apparently in the front of the container as shown by the oval in Fig. 2, and thus would face horizontally. The bottom of the container, shown in Fig. 4 appears to be solid. In Reif, the tissue dispensing orifice (i.e., the orifice for accessing package 3) faces upwardly as the container is restrained on a vehicle seat by a seat belt 2.

Furthermore, there is no disclosure in Shapland et al. that the tissue dispenser station is separated from the tissue disposal station by a wall, since the interior of the Shapland et al. dispenser is not disclosed.

Claim 21 also stands rejected as obvious over Yates in view of Cole. However, neither of those patents discloses a downwardly facing dispensing orifice as recited in claim 21. Note that Fig. 3 of Yates is a cross section taken through Fig. 2 which shows the bottom of the box (see the description of Fig. 2 in column 1, lines 63-64). Thus, Fig. 3 shows the box as invented; the fresh tissues 33 would be dispensed through an upwardly facing orifice. Cole discloses a horizontally facing dispensing orifice, so there is no teaching in Cole of a downwardly facing dispensing orifice.

Regarding the rejection of claim 21 over Yates in view of Wilson, the issue relating to the direction in which the tissue dispensing orifice faces is not raised. It will be appreciated that those two patents relate to dispensers which dispense different types of tissues, i.e., facial tissues (Yates) versus toilet tissue (Wilson). Traditionally, facial tissues have been dispensed upwardly or horizontally, and toilet tissue has been dispensed downwardly. There is nothing in the Wilson patent which would lead an artisan to relocate the tissue dispensing orifice of Yates to face downwardly. Clearly, Yates wishes to make the fresh tissues as accessible as

possible, i.e, via an upwardly facing dispensing orifice, and to conceal the used tissues as much as possible, i.e., via a downwardly facing orifice. Not so in the presently claimed invention, wherein the tissues are to be dispensed from a downwardly facing orifice to be shielded from the spray of a shower head.

Regarding the rejection of claim 21 over Shapland et al. in view of Cole, it is again noted that Cole does not disclose or teach a downwardly facing dispensing orifice.

Accordingly, it is submitted that claim 21 and dependent claims 22-27, 29, 31, and 52 distinguish patentably over the applied prior art.

#### **Claim 36**

Claim 36 has been amended to recite that the elongated suspending member comprises an upwardly extending cord.

Claim 36 stands rejected over Cole, but there is no disclosure of a cord-type member for suspending the dispenser.

Claim 36 also stands rejected over Reif who discloses to holding the dispenser against a vehicle seat using the vehicle's seat belt. Claim 36 recites that the dispenser comprises a number of items, including the elongated suspending element. In contrast, the belt 2 of Reif is not part of the dispenser, it is part of the vehicle. Moreover, claim 36 now recites a cord affixed to the body and extending upwardly; the belt 2 of Reif is not affixed to the dispenser body -- it simply passes horizontally therethrough.

Moreover, neither Yates nor Wilson discloses a suspending cord affixed to a dispenser body.

Accordingly, it is submitted that claim 36 is allowable along with dependent claims 37-39 and 50.

**Claim 40**

Claim 40 stands rejected over any one of Yates, Cole and Harsanyi, taken in view of Wilson who discloses that his cover can be used as a tissue cover in a "bathroom environment." However, that does not provide a teaching of mounting a tissue container "at a shower stall above floor level," as presently claimed. It has been conventional to provide tissue dispensers in the bathroom, e.g., next to a sink, but not at a shower stall, and one of ordinary skill in the art would not glean from Wilson the concept of locating the tissue dispensers of Yates, Cole, or Harsanyi at a shower stall.

Furthermore, dependent claim 41 recites to mount the dispenser with the dispensing orifice facing downwardly, which is not taught by Yates as explained earlier.

New dependent claim 53 recites to mount the dispenser to a vertical wall disposed within the shower stall which is not disclosed or rendered obvious by the cited prior art.

Accordingly, it is submitted that claim 40 and dependent claims 41-47, 51, 53 and 54 distinguish patentably over the applied prior art.

In light of the foregoing, it is submitted that the present application is in condition for allowance.

Respectfully submitted,

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Date: May 16, 2003

Attachment to Amendment dated May 16, 2003

Marked Copy - Claims 25, 36, 46 and 51 [ As Amended]

25. (Amended) The tissue dispenser according to claim 21 wherein the dispenser includes a back portion, the fastener ~~comprising an adhesive~~ disposed on the back portion.

36. (Amended) A tissue dispenser comprising a body forming a tissue dispenser station for containing facial tissues to be dispensed, and a tissue disposal station for receiving used tissues; the tissue dispenser station separated by a wall from the tissue disposal station and having a tissue dispensing orifice; the tissue disposal station having a tissue disposing orifice; and an elongated cord element affixed to the body and extending upwardly therefrom for suspending the body above floor level.

46. (Amended) The method according to claim 40 wherein step B comprises adhering the dispenser to a vertical wall by ~~an adhesive element~~ a fastener disposed on a rear portion of the dispenser.

51. (Amended) The ~~tissue dispenser~~ method according to claim 40 wherein step A includes providing a tissue dispenser wherein the wall which separates the tissue disposal station ~~from~~ from the tissue dispenser station is defined by a part of a body of the dispenser.